

Remarks

In the final Office Action dated July 25, 2008, the drawings stand objected to; claims 1-32 stand rejected under 35 U.S.C. §§ 112(1) and 112(2); and claims 7 and 23 and claims 4 and 20 stand further rejected under 35 U.S.C. § 112(2). Applicant traverses the objections and rejections, and does not acquiesce to any rejection or averment in this Office Action unless Applicant expressly indicates otherwise.

Applicant respectfully submits that each of the Examiner's rejections and objections is the result of a misinterpretation of the claim limitations. Applicant will first address the 35 U.S.C. §§ 112(1) and 112(2) rejections and then apply some of the same rationale to the objection to the drawings.

Regarding the rejections of claim 1 and 17 for failure to enable a multiplexor that receives a common instruction, Applicant respectfully submits that the Examiner's rejection argument clearly shows that the multiplexor receives instruction data. The Examiner correctly states that the multiplexor can be controlled by the instruction. As shown in FIG. 2, this can be accomplished when the multiplexor receives the instruction and then uses the data as a control data. The Examiner appears to acknowledge that control data is received, while simultaneously asserting that the control data is not received. Put another way, Applicant respectfully submits that the Examiner appears to improperly interpret limitations directed to "receiving" to be limited to "receiving on a specific input of the multiplexor that excludes the control input." Accordingly, Applicant respectfully submits that the Examiner has either improperly read limitations into the claim or improperly ignored teachings that correspond to the claim limitations. Applicant respectfully requests that the rejections be withdrawn.

Regarding the rejections of claim 7 and 23, Applicant respectfully submits that the Examiner has stated that a step of transforming accumulator data into coefficient data should be expressly recited/supported. Applicant respectfully submits that such a step is not omitted. Applicant's specification teaches that the data in the storage element is used as coefficient data (*see, e.g.*, paragraph 32). Applicant's specification further teaches that the source of this coefficient data (for storing in the storage element) can be either externally-provided coefficient data (*e.g.*, 16) or data from accumulator 7 (*e.g.*, 16). Thus, Applicant's specification explicitly teaches that coefficient data being stored in the storage element can

be from the accumulator passed by the input multiplexor. This stored data is then subsequently used as coefficient data. Accordingly, the “transformation” step the Examiner improperly alleges as being absent is in fact accounted for by the storing itself (*e.g.*, the stored data can be considered coefficient data independent of the source of the data). As such, Applicant respectfully submits that the rejection is improper and respectfully requests that it be withdrawn.

Regarding the rejection of claims 4 and 20, Applicant respectfully traverses the rejection. Simply stated, the Examiner’s rejection is that instruction data is never passed by the index register. Applicant notes that paragraph 35 discloses that the index/address includes instruction data “by applying that address to the storage element 11 with a store instruction”. Applicant further notes that paragraph 35 discloses that the index can be generated by accumulator 7 and/or ALU 3. The use of the different modes including the store mode is prompted by the received instruction. Thus, Applicant’s specification teaches that ALU 3 can be used (alone or in combination) to provide the received instruction to the index multiplexor to prompt a store action. Applicant respectfully requests that the rejection be withdrawn because Applicant’s specification provides ample support for using the index register to pass instruction data.

The objection to the drawings relies upon the same misinterpretations and failure to identify support that was present in Applicant’s disclosure. For the aforementioned reasons the objections are improper and Applicant requests that they be removed. Applicant further notes that drawings are only required when necessary to understand the invention. In support of Applicant’s position reference is made to 35 USC §113 and MPEP §601.01(f), which indicate that “applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented.” The Office Action has not indicated why one skilled in the art would not be able to understand the claimed invention, instead merely identifying an alleged missing feature. In addition, MPEP §601.01(f) indicates that it has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC §113. Since many of the claims in the current application are method claims, Applicant has complied with MPEP §601.01(f).

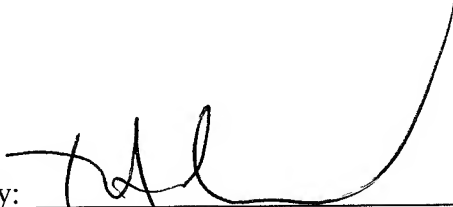
Applicant notes that the Examiner has expressly “declined to speculate as to what applicants’ claims were intended to be or will evolve into given their current 112, 1st and 2nd paragraph problems” and stated that “(t)herefore, no art is being applied at this time.” Applicant respectfully submits that MPEP §2163 clearly dictates that regardless of the outcome of a 112 determination, “Office personnel must complete the patentability determination under all the relevant statutory provisions of title 35 of the U.S. Code” (emphasis added). MPEP §706 also states that “(t)he goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity” (emphasis added). The actions of the Examiner are in direct contradiction with the express requirements of the MPEP. Accordingly, should the Examiner attempt to apply art at some later date, the instant prosecution will have been improperly delayed. Moreover, should the finality of the Office Action not be removed, the instant case may proceed to the Appeal Board before the Examiner has met the requirements of the MPEP. Accordingly, Applicant respectfully requests that the case be deemed allowable. At the very least, Applicant requests that the Examiner immediately apply any art deemed applicable while withdrawing the finality of the Office Action.

Applicant also wishes to traverse the Examiner’s unsupported and conclusory statements that the claim language “obscures what applicant’s invention does, at best, and is outright deception, at worst.” Such statements are unsupported by the evidence of the record and thus should carry no weight in the prosecution of the instant application. As detailed above, the Examiner’s rejections were based upon improper interpretations and a failure to identify explicit support that was in Applicant’s specification. Applicant respectfully submits that no evidence has been provided to support the Examiner’s allegations of possible deceptive intent.

In view of the remarks above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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CUSTOMER NO. 65913